

Docket No.: CI-0012

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Shirley MIEKKA, Martin J. MACPHEE,
William N. DROHAN, David M. MANN
and Wilson BURGESS

Serial No.: 09/960,703

Filed: September 24, 2001

For: METHODS OF STERILIZING PREPARATIONS
OF NON-AQUEOUS SOLVENTS

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: Group Art Unit: 1744

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: Examiner: To be assigned
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#5
C-7
6/10/02

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. One copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the indicated date. Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, that information cited in the statement is considered to be and/or is material to patentability, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. §120. 1138 OG 37, 38 (May 19, 1992).

- X 1. This Information Disclosure Statement is being filed (i) within three months of the U.S. filing date of a U.S. application other than a CPA continued prosecution application under §1.53(d) OR (ii) within three months of the date of entry of the national stage as set forth in §1.491 in an international application OR (iii) before the mailing date of a first Office Action on the merits. No certification or fee is required. 37 C.F.R. §1.97(b).
- 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection OR Notice of Allowance OR an action that otherwise closes prosecution in the application: 37 C.F.R. §1.97(c).

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- a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1).
- b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(2).
- c. Attached is our check no. _____ in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p). Please credit or debit Deposit Account No. 16-0607 as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.
- 3. This Information Disclosure Statement is being filed after the mailing date of a Final Rejection OR Notice of Allowance OR an action that otherwise closes prosecution in the application, but on or before payment of the Issue Fee. Attached is our check no. ____ in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p). Please credit or debit Deposit Account No. 16-0607 as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 C.F.R. §1.97(d).
- a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1).
- b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(2).
- X 4. The relevancy of the non-English language references can be determined from the attached abstracts.

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- X 5. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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MLF:DRM:kpc

LIST OF PRIOR ART CITED BY APPLICANT

(PTO-1449)

ATTY. DOCKET NO.
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APPLN. SERIAL NO.
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APPLICANT
Shirl y MIEKKA t al.

FILING DATE
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GROUP
1744

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	*PATENT NO.	*ISSUE DATE	*INVENTOR NAME	CLASS	SUBCLASS	FILING DATE
	RE 23,195	02/1950	Arno Brasch			
	2,832,689	04/1958	Bernard E. Proctor et al.			
	2,920,969	01/1960	E.S. Stoddard			
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						Yes	No
	2,056,619	10/1991	Canada				
	310 316	04/1989	Europe				
	334 679	09/1989	Europe				
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	Ozan Akkus et al., Fracture Resistance of Gamma Radiation Sterilized Cortical Bone Allografts, 2001, pps. 927-934, Journal of Orthopaedic Research, Vol. 19
	Tikvah Alper et al., The Exceptionally Small Size of the Scrapie Agent, 1966, pps. 278-284, Biochemical and Biophysical Research Communications, Vol. 22, No. 3

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						Yes	No
	11-216147	08/1999	Japan (Abstract)			X	
	1321420-A	07/1987	Soviet Union (Abstract)			X	
	WO 90/00907	02/1990	PCT Int'l (Abstract)			X	
	WO 91/16060	10/1991	PCT Int'l (Abstract)			X	
	WO 95/03071	02/1995	PCT Int'l (Abstract)			X	

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EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						Yes	No
	WO 00/25839	03/2000	PCT Int'l (Abstract)			X	
	WO 01/08611A1	02/2001	PCT Int'l (Abstract)			X	
	WO 01/12318A1	02/2001	PCT Int'l (Abstract)			X	
	WO 01/32107A2	05/2001	PCT Int'l (Abstract)			X	
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e	J. Baksa et al., The Use of Pig's Skin (xenograft) for the Treatment of Burns, 1976, pps. 138-145, Magyar Traumatologin, Vol. 19
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7	WO 01/45720A1	06/2001	PCT Int'l (Abstract)			X	
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